

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OFF-WHITE LLC,	:	
	:	
Plaintiff,	:	18 Civ. 5322 (GBD) (GWG)
	:	
-against-	:	<u>ORDER</u>
	:	
6014350 et al.,	:	
	:	
Defendants.	:	
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GABRIEL W. GORENSTEIN, United States Magistrate Judge:

Plaintiff is hereby ORDERED to file a memorandum of law addressing the following two issues:

(1) whether, in deciding a motion for default judgment, a court must assure itself that it has personal jurisdiction over any defaulting defendant. See Sinoying Logistics Pte Ltd. v. Yi Da Xin Trading Corp., 619 F.3d 207, 213 n.7 (2d Cir. 2010)) (noting that this is an “open” question); and

(2) assuming arguendo the Court concludes that it will address this question, whether there is personal jurisdiction over the defaulting defendants in this case in light of the fact that the complaint contains no non-conclusory allegation that any particular defendant shipped merchandise to New York State or entered into an agreement with any customer to ship merchandise to New York State. Compare Off-White LLC v. Ali Jr., 2020 WL 5802048, at *4 (S.D.N.Y. Sept. 28, 2020) (no personal jurisdiction found where plaintiff alleged that defaulting defendants were “[m]erely offering a product outside New York for sale in New York”) (citation omitted), with Off-White LLC v. adagio, 2020 WL 1646673, at *4 (S.D.N.Y. Apr. 3, 2020) (personal jurisdiction found where New York customers were “able to order goods for delivery” from defendants), adopted as modified by 2020 WL 3050383 (S.D.N.Y. June 8, 2020).

Plaintiff shall file the memorandum of law on or before October 23, 2020.

Plaintiff is directed to serve a copy of this Order on defendants in accordance with the Court’s June 28, 2018, Order. See Docket # 19 at 13-15.

Dated: New York, New York
October 1, 2020

SO ORDERED:



GABRIEL W. CORENSTEIN
United States Magistrate Judge